

SUBCHAPTER B—ACQUISITION PLANNING

PART 205—PUBLICIZING CONTRACT ACTIONS

Subpart 205.2—Synopsis of Proposed Contract Actions

Sec.

205.203 Publicizing and response time.

205.207 Preparation and transmittal of syn-
opses.

Subpart 205.3—Synopsis of Contract Awards

205.301 General.

205.303 Announcement of contract awards.

Subpart 205.4—Release of Information

205.470 Contract clause.

Subpart 205.5—Paid Advertisements

205.502 Authority.

AUTHORITY: 41 U.S.C. 421 and 48 CFR chap-
ter 1.

SOURCE: 56 FR 36302, July 31, 1991, unless
otherwise noted.

Subpart 205.2—Synopsis of Proposed Contract Actions

205.203 Publicizing and response time.

(b) Allow at least 45 days response time when requested by a qualifying or designated country source (as these terms are used in part 225) and the request is consistent with the Government's requirement.

205.207 Preparation and transmittal of synopses.

(d)(i) For acquisitions being consid-
ered for historically black college and
university and minority institution
set-asides under 226.370—

(A) Cite the appropriate Numbered
Note; and

(B) Include the notice at PGI
205.207(d)(i).

(ii) For broad agency announcement
notices, see 235.016.

[69 FR 63328, Nov. 1, 2004, as amended at 70
FR 73149, Dec. 9, 2005]

Subpart 205.3—Synopsis of Contract Awards

205.301 General.

(a)(S-70) *Synopsis of exceptions to do-
mestic source requirements.*

(i) In accordance with 10 U.S.C.
2533a(k), contracting officers also must
synopses through the GPE, awards ex-
ceeding the simplified acquisition
threshold that are for the acquisition
of any clothing, fiber, yarn, or fabric
items described in 225.7002-1(a)(2)
through (10), if—

(A) The Secretary concerned has de-
termined that domestic items are not
available, in accordance with 225.7002-
2(b); or

(B) The acquisition is for chemical
warfare protective clothing, and the
contracting officer has determined that
an exception to domestic source re-
quirements applies because the acqui-
sition furthers an agreement with a
qualifying country, in accordance with
225.7002-2(p).

(ii) The synopsis must be submitted
in sufficient time to permit its publica-
tion not later than 7 days after con-
tract award.

(iii) In addition to the information
otherwise required in a synopsis of con-
tract award, the synopsis must include
one of the following statements as ap-
plicable:

(A) "The exception at DFARS
225.7002-2(b) applies to this acquisition,
because the Secretary concerned has
determined that items grown, repro-
cessed, reused, or produced in the
United States cannot be acquired as
and when needed in satisfactory qual-
ity and sufficient quantity at U.S. mar-
ket prices."

(B) "The exception at DFARS
225.7002-2(p) applies to this acquisition,
because the contracting officer has de-
termined that this acquisition of chem-
ical warfare protective clothing fur-
thers an agreement with a qualifying
country identified in DFARS 225.872."

[71 FR 58536, Oct. 4, 2006]

205.303 Announcement of contract awards.

(a) *Public announcement.* (i) The threshold for DoD awards is \$5.5 million. Report all contractual actions, including modifications, that have a face value, excluding unexercised options, of more than \$5.5 million.

(A) For undefinitized contractual actions, report the not-to-exceed (NTE) amount. Later, if the definitized amount exceeds the NTE amount by more than \$5.5 million, report only the amount exceeding the NTE.

(B) For indefinite delivery, time and material, labor hour, and similar contracts, report the initial award if the estimated face value, excluding unexercised options, is more than \$5.5 million. Do not report orders up to the estimated value, but after the estimated value is reached, report subsequent modifications and orders that have a face value of more than \$5.5 million.

(C) Do not report the same work twice.

(ii) Departments and agencies submit the information—

(A) To the Office of the Assistant Secretary of Defense (Public Affairs);

(B) By the close of business the day before the date of the proposed award;

(C) Using report control symbol DD-LA- (AR) 1279;

(D) Including, as a minimum, the following—

(1) *Contract data.* Contract number, modification number, or delivery order number, face value of this action, total cumulative face value of the contract, description of what is being bought, contract type, whether any of the buy was for foreign military sales (FMS) and identification of the FMS customer;

(2) *Competition information.* Number of solicitations mailed and number of offers received;

(3) *Contractor data.* Name, address, and place of performance (if significant work is performed at a different location);

(4) *Funding data.* Type of appropriation and fiscal year of the funds, and whether the contract is multiyear (see FAR Subpart 17.1); and

(5) *Miscellaneous data.* Identification of the contracting office, the con-

tracting office point of contact, known congressional interest, and the information release date.

(iii) Departments and agencies, in accordance with department/agency procedures and concurrent with the public announcement, shall provide information similar to that required by paragraph (a)(ii) of this section to members of Congress in whose state or district the contractor is located and the work is to be performed.

[56 FR 36302, July 31, 1991, as amended at 56 FR 67212, Dec. 30, 1991; 71 FR 75892, Dec. 19, 2006]

Subpart 205.4—Release of Information

205.470 Contract clause.

Use the clause at 252.205-7000, Provision of Information to Cooperative Agreement Holders, in solicitations and contracts expected to exceed \$100,000,000. This clause implements 10 U.S.C. 2416.

[69 FR 63328, Nov. 1, 2004, as amended at 70 FR 8537, Feb. 22, 2005]

Subpart 205.5—Paid Advertisements

205.502 Authority.

(a) *Newspapers.* Heads of contracting activities are delegated authority to approve the publication of paid advertisements in newspapers.

[69 FR 63328, Nov. 1, 2004]

PART 206—COMPETITION REQUIREMENTS

Sec.

206.001 Applicability.

Subpart 206.2—Full and Open Competition After Exclusion of Sources

206.202 Establishing or maintaining alternative sources.

206.203 Set-asides for small business concerns.

Subpart 206.3—Other Than Full and Open Competition

206.302 Circumstances permitting other than full and open competition.